

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 956**

Introduced by Suttle, 10

Read first time January 10, 2002

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to child care licensure; to amend section  
2 71-1912, Revised Statutes Supplement, 2000; to provide  
3 staff-to-child ratio and maximum group size requirements;  
4 to harmonize provisions; and to repeal the original  
5 section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-1912, Revised Statutes Supplement,  
2   2000, is amended to read:

3           71-1912.   (1) ~~Except as provided in section 71-1910~~  
4   Consistent with sections 71-1908 to 71-1917, the department shall  
5   adopt and promulgate rules and regulations establishing standards  
6   for the physical well-being, safety, and protection of children  
7   pursuant to the licensing of providers required of a licensed  
8   provider. Such standards shall insure that the provider of a  
9   program is providing proper care for and treatment of the children  
10  served and that such care and treatment is consistent with the  
11  children's physical well-being, safety, and protection. Such  
12  standards shall not require the use of any specific instructional  
13  materials or affect the contents of any course of instruction which  
14  may be offered by a program.

15           (2) Each program shall maintain the staff-to-child ratio  
16   and be within the maximum group size requirements of this  
17   subsection at all times, except that programs which are in the  
18   provider's place of residence and serve at least four but not more  
19   than eight children at any one time are exempt from the  
20   requirements of this subsection. Staff to be counted in the  
21   staff-to-child ratio includes the persons physically present in the  
22   space or defined part of a space who have direct responsibility for  
23   the group to whom they are assigned. The space or defined part of  
24   a space is the indoor or outdoor area used by the program that  
25   accommodates the maximum number of children to be served by the  
26   program in accordance with the staff-to-child ratio and maximum  
27   group size requirements of this subsection. Support staff such as  
28   clerical, custodial, food service, and transportation staff shall

1 only be counted in the staff-to-child ratio if the support staff  
 2 person is assigned to work with a group of children and is not  
 3 performing his or her regular duties as clerical, custodial, food  
 4 service, or transportation support staff when assigned to a group.  
 5 A group is the children assigned to the care of one to three staff  
 6 persons. A group occupies a space or a defined part of a space of  
 7 the program. In a mixed-age group, the staff-to-child ratio  
 8 requirements of the youngest child in the group shall apply. If a  
 9 child is four or five years of age and attends kindergarten, the  
 10 staff-to-child ratio for kindergarten and up shall apply. A  
 11 written staff assignment sheet shall be available to the department  
 12 and to the parents.

13 Staff-to-child ratio and maximum group size requirements  
 14 are:

| <u>Age Range</u>     | <u>Number of</u> | <u>Number of</u> | <u>Maximum</u>    | <u>Total Number of</u> |
|----------------------|------------------|------------------|-------------------|------------------------|
| <u>of</u>            | <u>Staff</u>     | <u>Children</u>  | <u>Group Size</u> | <u>Staff Required</u>  |
| <u>Children</u>      |                  |                  |                   | <u>for Maximum</u>     |
|                      |                  |                  |                   | <u>Group Size</u>      |
| <u>6 weeks to</u>    |                  |                  |                   |                        |
| <u>18 months</u>     | <u>1</u>         | <u>4</u>         | <u>12</u>         | <u>3</u>               |
| <u>18 months to</u>  |                  |                  |                   |                        |
| <u>3 years</u>       | <u>1</u>         | <u>6</u>         | <u>12</u>         | <u>2</u>               |
| <u>3 years</u>       | <u>1</u>         | <u>10</u>        | <u>20</u>         | <u>2</u>               |
| <u>4 and 5 years</u> | <u>1</u>         | <u>12</u>        | <u>24</u>         | <u>2</u>               |
| <u>Kindergarten</u>  |                  |                  |                   |                        |
| <u>and up</u>        | <u>1</u>         | <u>15</u>        | <u>30</u>         | <u>2</u>               |

27 (3) Before issuance of a license, the department shall  
 28 investigate or cause an investigation to be made, when it deems

1 necessary, to determine if the applicant or person in charge of the  
2 program meets or is capable of meeting the ~~physical well-being,~~  
3 ~~safety, and protection standards~~ requirements of sections 71-1908  
4 to 71-1917 and the ~~other~~ rules and regulations of the department  
5 promulgated thereunder. The department may investigate the  
6 character of prospective or existing licensees, any member of the  
7 licensee's household, and the staff and employees of programs by  
8 making a national criminal history record information check.

9       (4) The department may at any time inspect or cause an  
10 inspection to be made of any place where a program is operating to  
11 determine if such program is being properly conducted. All  
12 inspections by the department shall be unannounced except for  
13 initial licensing visits and consultation visits. Initial  
14 licensing visits are announced visits necessary for a provisional  
15 license to be issued to a family child care home II, child care  
16 center, or preschool program. Consultation visits are announced  
17 visits made at the request of a provider for the purpose of  
18 consulting with a department specialist on ways of improving the  
19 program.

20       (5) An unannounced inspection of any place where a  
21 program is operating shall be conducted by the department or the  
22 city, village, or county pursuant to subsection (2) of section  
23 71-1914 at least annually for a program with a licensing capacity  
24 of less than thirty children and at least twice every year for a  
25 program with a licensing capacity of more than thirty children.

26       (6) Whenever an inspection is made, the findings shall be  
27 recorded in a report designated by the department. The public  
28 shall have access to the results of these inspections upon a

1 written or oral request to the department. The request must  
2 include the name and address of the program. Additional  
3 unannounced inspections shall be performed as often as is necessary  
4 for the efficient and effective enforcement of sections 71-1908 to  
5 71-1917.

6 ~~(2)~~ (7) The rules and regulations adopted and promulgated  
7 pursuant to ~~subsection (1)~~ of this section shall contain provisions  
8 which encourage the involvement of parents in child care for their  
9 children and insure the availability, accessibility, and high  
10 quality of services for children in family child care homes. The  
11 rules and regulations shall be adopted and promulgated pursuant to  
12 the Administrative Procedure Act, except that the department shall  
13 hold a public hearing in each geographic area of the state prior to  
14 the adoption, amendment, or repeal of any rule or regulation.

15 Sec. 2. Original section 71-1912, Revised Statutes  
16 Supplement, 2000, is repealed.